

EXHIBIT 3

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ETIOPIA EVANS, as the Representative of the
Estate of Charles Evans, *et al.*,

Plaintiffs,

vs.

**ARIZONA CARDINALS FOOTBALL
CLUB, LLC**, *et al.*,

Defendants.

CASE NO. 3:16-cv-1030-WHA

**PLAINTIFF REGINALD WALKER'S
ANSWERS TO DEFENDANT NFL
MEMBER CLUBS' THIRD SET OF
INTERROGATORIES**

1 Plaintiff Reginald Walker, by and through his attorneys, timely Answers the Third Set of
 2 Interrogatories propounded by Defendant NFL Member Clubs pursuant to Rule 33 of the Federal
 3 Rules of Civil Procedure and the Local Civil Rules of the United States District Court for the
 4 Northern District of California. None of the objections or responses contained herein is an
 5 admission concerning the existence of any documents or materials or the relevance or
 6 admissibility of any documents, materials, or information. In providing these answers, Mr.
 7 Walker expressly reserves: (a) the right to object, on the grounds of competency, privilege,
 8 relevancy, materiality, or any other proper grounds, to the use of the information provided
 9 herein, in whole or in part, in any subsequent proceeding in this action or any other action; (b)
 10 the right to object on any and all grounds, at any time, to other discovery requests involving or
 11 relating to the subject matter of these requests; and (c) the right at any time to supplement,
 12 revise, correct, or clarify any of the responses provided herein.

13 ANSWERS

14 12. Do YOU contend that the "agreement or understanding" alleged in Paragraph 286
 15 of the Complaint includes or had included an agreement that Defendants would make intentional
 16 misrepresentations or otherwise engage in unlawful conduct? If so, describe the COMPLETE
 17 BASIS for this contention, including all facts that support it (including the specific date(s),
 circumstances, content, and participants in the formation, confirmation, and/or renewal of any
 such agreement or understanding), and IDENTIFY all PERSONS with knowledge of those facts.

18 ANSWER: Yes. Plaintiffs are but a few of hundreds of former NFL players (who,
 19 collectively, played for every team in the NFL between 1970 and 2014) to describe the same
 20 conduct: team doctors and trainers obtaining and providing medications, including controlled
 21 substances, to players in ways they would never do to anyone else, including but not limited to:
 22 (1) providing controlled substances at places other than where they were registered to do so and
 23 with other drugs and alcohol; (2) non-doctors administering medications that only doctors should
 24 administer; (3) stockpiling controlled substances via prescription from a pharmacy not in the
 25 patient's name; (4) providing prescriptions written on a date prior to when the medication was
 26 administered; and (5) failing to: provide a prescription, identify the medication by its established
 27 name, provide adequate directions for the medications' use, including adequate warnings of uses
 28 that have potentially dangerous health consequences, and provide the recommended or usual

1 dosage for the medications. The complaints and discovery filed and served in *Dent, et al. v. NFL*
 2 and *Evans, et al. v. the Arizona Clubs, et al.*, provide additional facts and defendants are directed
 3 to consult the same as re-publishing all of that information in response to this interrogatory for
 4 each plaintiff would be unduly burdensome.

5 Such acts and omissions constitute violations of the Controlled Substance Act and Food
 6 Drug & Cosmetic Act, their implementing regulations and/or corresponding state statutes. Such
 7 behavior – the same types of unlawful acts that would subject the participants to criminal
 8 exposure and, for the doctors, loss of licensure – over so long a period of time and connected
 9 with every NFL club creates the reasonable inference that the participants were not acting
 10 independently, but rather in concert, and thus had an agreement or understanding to do so.
 11 Plaintiffs do not know when the agreement or understanding first took place or how it did so.

12 Persons with knowledge include the following:

- 13 • The *Dent* and *Evans* plaintiffs, who can speak to the medications they received
 14 and the manner in which they were distributed;
- 15 • Every Club doctor and trainer identified in any discovery provided in *Dent* and
 16 *Evans*, who can speak to the medications they administered to NFL players and
 the manner in which they did so;
- 17 • Gay Culverhouse, former president of the Tampa Bay Buccaneers, who testified
 18 before a sub-committee of the United States Congress in relevant part that “the
 19 team doctor is hired by the coach and paid by the front office. This team doctor is
 20 not a medical advocate for the players. This team doctor’s role is to get that
 21 player back on the field, even if that means injecting the player on the field. I
 have seen a wall of players surround a player, a particular player, and seen his
 knees injected, seen his hip injected between plays and him back on the field.
 This is inexcusable.”;
- 22 • Mike Freeman, who wrote an April 13, 1997 article for the New York Times
 23 titled “Painkillers, and Addiction, Are Prevalent in the N.F.L.”, and a January 31,
 24 2002 article for the New York Times titled “PRO FOOTBALL; Painkillers a
 Quiet Fact of Life in the N.F.L.” and all the players mentioned therein, who can
 speak to the issues addressed in that article;
- 25 • James Irsay, owner of the Indianapolis Colts, who upon information and belief
 26 obtained medications from Colts’ doctors and can speak to the same;
- 27 • Jerry Jones, owner of the Dallas Cowboys, who is a member of the Owners’
 28 Health and Safety Committee;

- 1 • Mike Holmgren, NFL coach, who can speak to asking doctors to provide
2 medications to players, including named plaintiff Jerry Wunsch, to get them back
3 on the field regardless of the impact of doing so on their health;
- 4 • Dr. Linda Cottler, who can speak to the study she performed on painkiller misuse
5 in the NFL;
- 6 • Ken Belson, author of a December 5, 2011 New York Times article “Ex-Players
7 Suing N.F.L. Over Use of Painkiller” and all players and NFL personnel named
8 therein, who can speak to the issues addressed therein;
- 9 • Will Godfrey, author of a July 31, 2012 article “From NFL to Painkiller Hell –
10 and Back” and former NFL quarterback Ray Lucas, the subject of that article,
11 who can speak to the issues addressed therein;
- 12 • Dan Wiederer, author of the August 22, 2012 Star Tribune article “NFL and pain:
13 Fleeting glory, bodies past repair” and all players named therein, who can speak
14 to the issues addressed therein;
- 15 • Paul Solotaroff, author of the November 27, 2012 Men’s Journal article “The
16 NFL’s Secret Drug Problem” and all players, NFL personnel, and NFLPA
17 personnel named therein, who can speak to the issues addressed therein;
- 18 • Calvin Johnson, former Detroit Lions wide receiver, who can speak to the
19 medications administered to him while playing in the NFL;
- 20 • Richard Sherman, Seattle Seahawks’ defensive back – see his statement in the
21 Players’ Tribune “Take Care of Your Players” video posted on September 29,
22 2016, who can speak to the issues addressed in that video;
- 23 • Louis Bien, author of the August 3, 2016 SB Nation article “Comfortably Numb:
24 The NFL Fell in Love With a Painkiller It Barely Knew” and all players and
25 doctors named therein, who can speak to the issues addressed therein;
- 26 • Brandon Katz, author of the December 9, 2014 article “NFL Drug Abuse: Ex-
27 Player Bret Lockett Speaks Out on Painkiller Abuse in Football” and the players
28 named therein, who can speak to the issues addressed therein;
- Sally Jenkins and Rick Maese, authors of a November 27, 2014 Washington Post
article “Two former NFL players describe prescription drug practices” and the
players named therein, who can speak to the issues addressed therein;
- Matt Kasten, author of the October 19, 2014 article “Why Painkiller Abuse is
Such a Difficult Issue for the NFL and Its Players” and all players named therein,
who can speak to the issues addressed therein;
- Michael J. Fenson, author of the January 31, 2014 article “Super Bowl pomp
countered by retired NFL players’ painkiller abuse” and all players named therein,
who can speak to the issues addressed therein;

- 1 • Sara Bellum, author of the September 10, 2013 article "Painkiller Abuse in the
2 NFL: A Hefty Price for Entertainment," who can speak to the issues addressed
3 therein;
- 4 • All members of the NFL Prescription Drug Advisory Committee, who can speak
5 to the NFL's knowledge of the problems identified herein.

6 13. IDENTIFY each PERSON who has ever told YOU that YOU were injured or
7 harmed by YOUR consumption of MEDICATIONS, and for each such PERSON, state the
8 circumstances and date(s) on which he or she provided this information to YOU.

9 **ANSWER:** Defendants did not define the term "MEDICATIONS" and Plaintiffs expect
10 it shall have the same meaning as agreed-to by counsel during their meet and confer sessions
11 after the parties exchanged their responses to the initial discovery served in this matter. Subject
12 to the foregoing, Mr. Walker states that no one has ever told him that he was injured or harmed
13 by his consumption of Medications.

14 14. Do YOU contend that YOU received any MEDICATIONS from CLUB doctors
15 or trainers, or from other Club personnel acting on their behalf, that were not documented in
16 YOUR medical records? If so, IDENTIFY the circumstances (including the MEDICATIONS
17 that were not so documented, the number of occasions and time periods when you received each
18 such MEDICATION, how you received it, and from whom), and IDENTIFY all evidence you
19 rely on to support the contention.

20 **ANSWER:** Once Mr. Walker has confirmation that Defendants have produced all of his
21 medical records from his time in the NFL, the same will be reviewed and a supplemental answer
22 will be provided.

23 15. IDENTIFY the state(s) whose laws YOU contend govern YOUR personal claims
24 in this case, and IDENTIFY all facts that YOU contend are material to that determination. If and
25 to the extent any such facts are currently unknown to YOU, describe the information YOU
26 would need to IDENTIFY them.

27 **ANSWER:** Mr. Walker states that the injuries described in response to Interrogatory 1
28 occurred in the following states: Arizona, California, Missouri, and New York, and accordingly,
29 their laws govern his state law claims in this case.

30 16. IDENTIFY the facts and circumstances (including pertinent dates) that first led
31 YOU to "become aware that Defendants caused" each one of the injuries to YOU alleged,
32 respectively, in Paragraphs 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37 and 29 of the Complaint,
33 as well as any other injuries or harms for which YOU seek damages in this action.

1 **ANSWER:** After the filing of the *Dent* complaint in May 2014, Mr. Walker became
 2 aware for the first time that the NFL Member Clubs were engaged in a conspiracy to promote a
 3 return to play practice or policy whereby Medications were unlawfully provided in an effort to
 4 maximize revenue at the expense of players' health and safety. After being provided with this
 5 information, Mr. Walker first understood that the injuries about which he complains were caused
 6 by the NFL Member Clubs' conspiracy.

7 17. To the extent that YOUR claims in his case depend on the contention that one or
 8 more NFL Member Clubs failed to properly store MEDICATIONS and/or to keep records of the
 9 purchase and/or storage of MEDICATIONS (*see* Plaintiffs' Responses to Defendant NFL
 10 Member Clubs' First Set of Request for Admission, Responses to Request Nos. 79-117), explain
 11 how such alleged failures relate to YOUR claims and IDENTIFY all facts that support such a
 12 relationship, including the manner (if any) in which such failures injured YOU personally and
 13 the dates and circumstances under which any such injury occurred.

14 **ANSWER:** Such failures evidence unlawful conduct. If the 32 clubs all acted unlawfully
 15 in the same manner, and plaintiffs contend they did, a factfinder can draw the inference that they
 16 did so in concert, and thus these contentions relate to the second of plaintiffs' two claims alleged
 17 in the original complaint: conspiracy. Plaintiffs are not in possession, custody or control of
 18 information or documents relating to how the Clubs stored medications or kept records;
 19 discovery will yield facts as to whether the failings at issue occurred.

20 Plaintiffs do not contend that these failures, in and of themselves, caused their injuries.
 21 Rather, these failings are evidence of the conspiracy pled that caused their injuries.

22 DATED: November 17, 2016

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VERIFICATION

I, Reginald Walker, am familiar with the contents of my Answers to the Defendant NFL Member Clubs' Third Set of Interrogatories. My answers are based on, and therefore necessarily limited by, the records and information in existence, presently recollected, and thus far discovered in the course of prosecuting this action. Subject to the limitations set forth herein, and without waiving my right to amend these answers based on subsequently-identified information, I verify under penalty of perjury that my Answers are true and correct to the best of my knowledge, information and belief.

Executed this 16 day of November, 2016.

A handwritten signature in black ink, appearing to be 'Reginald Walker', written over a horizontal line.

Reginald Walker